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18 JUN 1980

MEMORANDUM FOR: Deputy Director for Administration
VIA: Executive Officer, DDA
FROM: James H. McDonald
Director of Logistics
SUBJECT: Agency Shuttle Bus Service

1. Attached is a proposed Headquarters Notice addressing the unauthorized use of the Agency shuttle bus service. Publication of this notice is prompted by the Audit Staff's findings that the peak period bus service--the hours between 0730 to 0830 and 1700 to 1810--carries 50 percent more passengers than the regular service. From this the auditors concluded that there is incidental use of the buses which is prohibited by law.

2. While this office takes the position that the shuttle services are provided to meet the legitimate official needs of the Agency and to promote our national energy conservation objectives, the Office of General Counsel (OGC) has rendered an opinion, which supports the auditors' findings that the incidental transportation of employees for unofficial purposes is unlawful. Further, this practice presents the Agency with a problem of liability for damages or injuries which might be sustained by employees who willfully utilize Government transportation for unofficial purposes. The notice and the cautionary signs posted on shuttle buses and printed on the bus schedules will serve to notify employees of the proper use of official transportation.

3. It is our intention to have posted on all buses and printed on the schedules the following:

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FOR OFFICIAL USE ONLY

"Agency transportation will be used only in the actual performance of official duties. Transportation will not be used to, from, or between locations for the purposes of conducting any personal business. . . . Transportation will not be used by personnel over all or any part of the routes between their homes and places of employment except those specific cases authorized by law. The law provides that any officer or employee of the Government who willfully uses, or authorizes, the use of a Government vehicle for other than official purposes may be suspended from duty without compensation for not less than one month and may be suspended for a longer period or summarily removed from office if circumstances warrant."

4. Since our facilities are scattered throughout the Washington metropolitan area, we have asked OGC to consider, along with the Office of Legislative Counsel, the possibility of having something worked out in the legislative process which would allow the incidental use of official transportation by Agency employees. Public transportation to our facilities is either limited or nonexistent, and our employees have few options except to drive their own personal vehicles. The point has already been made to the auditors and OGC that the practice of denying employees the use of the buses is counterproductive in light of our high national priority to conserve energy. Another route which can be explored is to include funds in the appropriations process using the Director of Central Intelligence's special authority under Section 8 of the CIA Act of 1949, as amended, and the Agency's implementing regulation, [] The pertinent parts are stated below:

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Section 8, CIA Act of 1949

(a) Notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions, including

(1) . . . transportation of officers and employees of the Agency in Government-owned automotive equipment between their domiciles and places of employment, where such personnel are engaged in work which makes such transportation necessary

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[REDACTED]

Home-to-work use of vehicles is authorized only for medical officers engaged in outpatient medical service or when the Deputy Director for Administration or his designees determine that official duties of personnel warrant such use.

5. We will continue to work with OGC to determine if a ruling more favorable towards this Agency is possible. Short of eliminating the early morning and late evening shuttle runs, there is no practical way to police or enforce a strictly official use policy.

[REDACTED]

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// James H. McDonald

Attachment

cc: LGPLD/OGC
C/LSD/OL

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OL/P&PS/[REDACTED] (11 June 80)